

UNITED STATES ATTORNEY  
SOUTHERN DISTRICT OF NEW YORK  
PROVISIONAL RELEASE OF AN OFFENDER

DEFERRED PROSECUTION

TO: Alex Lemberg

Docket No. 10 Cr. 476 (TPG)

On June 9, 2010, a criminal indictment was unsealed in the Southern District of New York, in which you are accused of committing an offense against the United States, to wit, conspiracy to commit securities in violation of Title 18, United States Code, Section 371, securities fraud, in violation of Title 15, United States Code, Sections 78j(b) and 78ff, conspiracy to commit wire and mail fraud, in violation of Title 18, United States Code, Section 1349, and wire fraud, in violation of Title 18, United States Code, Section 1343. However, after a thorough investigation it has been determined that the interest of the United States and your own interest will best be served by deferring prosecution in this District. Prosecution will be deferred during the term of your good behavior and satisfactory compliance with the terms of this agreement for the period of three months from the signing of this agreement. The term and conditions constituting your good behavior and satisfactory compliance are as follows:

- (1) You shall refrain from violation of any law (federal, state and local). You shall immediately contact your U.S. Pretrial Services Officer if arrested or questioned by a law-enforcement officer.
- (2) You shall associate only with law-abiding persons.
- (3) You shall work regularly at a lawful occupation and/or regularly attend school and support your legal dependents, if any, to the best of your ability. When out of work or not attending school you shall notify your supervising U.S. Pretrial Services Officer at once. You shall consult him or her prior to job and school changes.
- (4) You shall not leave the Southern or Eastern Districts of New York or the District of New Jersey without permission of your supervising U.S. Pretrial Services Officer.
- (5) You shall notify your supervising U.S. Pretrial Services Officer immediately of any change in your place of residence.
- (6) You shall follow your supervising U.S. Pretrial Services Officer's instructions and advice.

(7) You shall report to your supervising U.S. Pretrial Services Officer as directed.

As a further condition you hereby consent to permit disclosure to the supervising Pretrial Services Officer, consistent with Section 408 of Public Law 92-255 of New York State and regulations issued pursuant thereto, of such medical and treatment records as may be relevant to deferral of prosecution in this case.

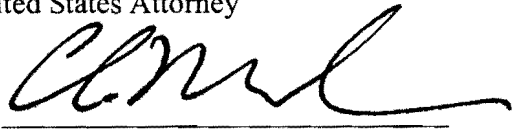
Special conditions are as follows:

The United States Attorney may at any time revoke or modify any condition of this provisional release or change the period of such supervision. The United States Attorney may discharge you from supervision at any time. The United States Attorney may at any time proceed with the prosecution for this offense should such action be deemed advisable.

If upon completion of your supervision a written report from your supervising U.S. Pretrial Services Officer is received to the effect that you have complied with all the rules, regulations and conditions and special conditions, if any, above mentioned, no further prosecution will be instituted in this District for the above offense.

Dated: New York, New York  
November 20 2012

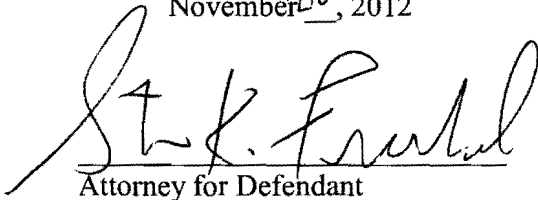
PREET BHARARA  
United States Attorney

By: 

John T. Zach  
Chi T. Steve Kwok  
Assistant United States Attorneys

The undersigned hereby consents to the foregoing and expressly waives any and all rights to a speedy trial pursuant to the Sixth Amendment to the United States Constitution, Title 18, United States Code, Section 3161(h)(2) and the Rules of the District Court of the Southern District of New York, or other pertinent provisions and consents to the adjournment of all pending proceedings in this case. The undersigned further waives the applicable statute of limitations with respect to any prosecution that is not time-barred on the date that this agreement is signed. It is the intent of this provision to toll the applicable statute of limitations during the pendency of the deferred prosecution.

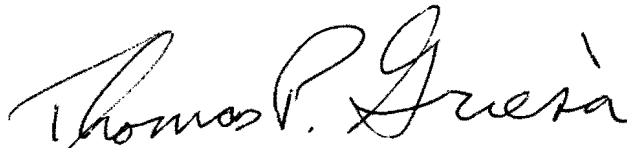
Dated: New York, New York  
November 20, 2012

  
Attorney for Defendant

  
Defendant

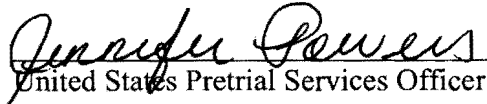
The foregoing waiver of the defendant's right to a speedy trial is approved pursuant to Rule 5(b) of the Second Circuit Plan for Achieving Prompt Disposition of Criminal Cases and the Rules of the District Court for the Southern District of New York.

Dated: New York, New York  
November 20, 2012

  
United States District Judge

The undersigned hereby consents to the foregoing and will accept supervision of the above-named defendant on the conditions set forth herein.

Dated: New York, New York  
November 20, 2012

  
United States Pretrial Services Officer